

1. **35 U.S.C. §112, second paragraph rejection of claims 19-23**

The Examiner asserts that it is not clear if "identifying the receiver" refers to the mobile receiver on line 2 or any receiver. Applicant respectfully traverses this rejection. "The receiver" plainly refers to the receiver introduced in line 3. The article "the" unambiguous means that it must be the receiver that has already been introduced. Only one receiver was introduced in the claim. The word "mobile" that the examiner seems to be concentrating on is an adjective modifying the element "receiver." The claims meet, without question, the requirements of 35 U.S.C. §112, second paragraph. Applicant therefore requests the Examiner to withdraw the rejection. However, applicant is willing to amend claim 19 as a matter of form only to comply with the preferences of the Examiner in terms of wording, if the examiner is willing to withdraw first the rejection.

2. **Rejections under *Wang***

The Examiner continues to maintain his rejection of all of the pending claims under *Wang* by refusing to recognize applicant's claim of priority to June 16, 1989. The Examiner says, according to the final Office action:

Applicant claims priority on CIP back to June 16, 1989 which is the filing date of the application maturing in US Patent No. 5,095,480. Examiner respectfully disagrees because the applicant does not filed continuation. Therefore, applicant is required to supply evidence of the continuation back to June 16, 1989 in order to claim priority on the application.

Applicant submits that this refusal is in error and respectfully traverses it on the grounds that the applicant has complied with the requirements under the statute and the regulations in making this claim.

On January 8, 1999, Applicant submitted a preliminary amendment claiming priority back to U.S. Patent No. 5,095,480 (hereinafter the '480 patent) which was filed on June 16, 1989 almost three years before the filing date (March 27, 1992) of *Wang*. The priority claim reads: "This application is a continuation of U.S. application no. 08/174,361, filed December 28, 1993, which is a continuation-in-part of U.S. application 07/952,988, filed on September 29, 1992, now U.S. Patent no. 5,490,258, which

is a continuation-in-part of U.S. application 07/737,147, filed July 29, 1991, now abandoned, which is a continuation-in-part of U.S. application 07/367,012, now U.S. patent no. 5,095,480." Therefore, applicant has complied with the statutory requirements under 35 USC § 120.

In a telephone call initiated by the undersigned attorney, the Examiner indicated that applicant would be required to identify specifically where each element of each claim is found in the specification. However, applicant submits that it is not required to do so. For example, M.P.E.P. §706.02(b) specifically states that a rejection based on 35 U.S.C. 102(b) can be overcome by, among other ways, "(C) Perfecting priority under 35 U.S.C. 119(e) or 120 by amending the specification of the application to contain a specific application to a prior application in accordance with 37 CFR 1.78(a)." It is submitted that this has been done. The mere fact that the claim of priority includes several continuations in part does not defeat the claim of priority. Applicant can find no requirement in the statute or in the rules that limit claims of priority under 35 U.S.C. 120 to continuation applications. Applicant respectfully requests that the examiner identify the relevant statute or rule, or even section of the M.P.E.P., to support his request or withdraw the rejection.

Applicant submits that the claims of the present application are supported by the specification and drawings, particularly Figures 1-4 and the description thereof, filed in U.S. application 07/367,012, now U.S. patent no. 5,095,480, and that the subject matter of the '012 application has been carried forward to the present application in the manner identified in the claim of priority. Figures 1-4 of the present application are the same as Figures 1-4 of the '012 application, and the description of these figures, which begins on page 23, line 1, and continues to page 62, line 3 of the present application, is the same as the description of the figures found in the '012 application. Furthermore, these same figures and the same description are found in each of the intervening applications in the claim of priority.

Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection. In view of applicant's claim of priority, he has chosen not to specifically address the reasoning of the Examiner's rejection. However, by electing not to do so, he does not acquiesce to any of the Examiner's reasoning.

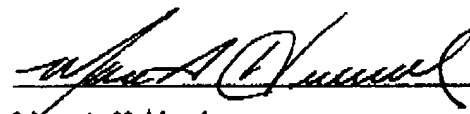
CONCLUSION

It is submitted that the final rejection of the application is in error and that it the rejection should therefore be withdrawn. As the application is in condition for allowance, such action is respectfully requested. Please telephone the undersigned representative should he be of any assistance.

The Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Amendment to Deposit Account No. 13-4900 of Munsch Hardt Kopf & Harr, P.C.

Respectfully submitted.

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